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ON PAGE **1-B**WASHINGTON TIMES  
25 May 1987**J ALAN DERSHOWITZ**

# Free speech for the CIA

**R**ecently, a jury acquitted Amy Carter, Abbie Hoffman and others after they broke the trespassing law during a protest against CIA recruiting at the University of Massachusetts. But it seems that some of those who support such protests don't think the CIA has reciprocal rights of free speech. Among them are some members of the American Civil Liberties Union.

Radical groups throughout the country are trying to bar CIA recruiters from college and university campuses. They argue that the CIA has engaged in unlawful conduct and has thus forfeited its claim to legitimacy. Pointing to the formal policy guidelines at the University of Massachusetts and other schools that limit recruiting privileges to "law abiding" and "legitimate" organizations, these groups are demanding that such policies be interpreted to exclude the CIA.

At the Carter-Hoffman trial, the defense presented the testimony of Morton Halperin, director of the ACLU legislative office. Mr. Halperin said, in essence, that the CIA is not only a violator of the law, but a recidivist. This defense obviously impressed the jury, which acquitted all the defendants despite the undisputed evidence that they had engaged in trespassing.

The fact that one jury in western Massachusetts accepted a defense of "necessity" — that it was necessary for Amy Carter and Abbie Hoffman to violate the law a little bit to prevent far greater violations of law by the CIA — does not mean, of course, that other juries will do the same. Nor does it mean that the CIA should be banned from further recruiting at the University of Massachusetts or elsewhere. Indeed, banning the CIA from university campuses would establish a dangerous precedent and would be incon-

sistent with civil liberties principles that mandate freedom of speech for all points of view.

Supporters of the CIA should be allowed a forum to present their views at any university that considers itself bound by either the letter or spirit of the First Amendment. Even if no one wants to listen, it would be wrong to try to prevent advocates of an unpopular viewpoint from trying to persuade a hostile audience. In any event, there are students who do want to listen, and their rights would be curtailed by a ban.

Thomas Lesser, one of the lawyers who represented Carter and Hoffman, agrees that the CIA and its supporters should not be prevented from speaking on university campuses. "They have the right to conduct informational meetings or participate in debates," he acknowledges. But he and many others draw the line at recruiting. He argues that a government agency has no right to recruit students into engaging in unlawful conduct. His attempt to draw the line at recruitment, however, does not withstand principled analysis.

Imagine how differently those who advocate a ban on CIA recruiting would feel — and act — if the shoe were on the other foot.

What if the Civil Rights Division of the Justice Department had been banned from recruiting on the University of Mississippi campus in the 1960s? Many at that university honestly felt that the Justice Department was acting illegally in forcing schools to desegregate. Or what if a group of radical anti-CIA activists were banned from recruiting participants for its next sit-in demonstration? Or what if the African National Congress were prohibited in the United States — as it is in South Africa — from recruiting, on the ground that some of its activities are admittedly illegal?

I doubt we would see Amy Carter or Abbie Hoffman leading demonstrations in favor of such bans.

The CIA's attempt to recruit on university campuses is a political act of speech. It should be answered in kind, with protests, debates, teach-ins and pickets — but not with a ban. Students have the right — indeed the need — to hear all sides of issues. This is especially so when it comes to issues as important as the

CIA's role in formulating and implementing our government's policies at home and abroad. Those who believe that the CIA is engaging in unlawful conduct have an obligation to persuade their listeners to try to change those policies by democratic means. But they should not try to shut down those who disagree.

If some students are persuaded to work for the CIA, fine. If others are not, that is fine, as well. In a democratic society committed to freedom of speech, the appropriate balance should be struck in the marketplace of ideas — not forced upon the population by the government, the university or a particular political group.

For the ACLU, this should be a simple issue. But because that organization has become, unfortunately, a convenient coalition of principled civil libertarians (who favor maximum freedom of speech) and political leftists (many of whom oppose the CIA), we are likely to see a divisive battle over whether the CIA should be banned from recruiting on campuses.

Unless principle prevails over politics, the credibility of the ACLU — as a neutral advocate of all free speech — will suffer. More important, a ban on the CIA will be another step on the road to erosion of the very rights that the ACLU was founded to protect.

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